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Paper No. 10

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In re Application of  
Mark H. Pausch  
Application No. 08/816,011  
Filed: March 11, 1997  
Attorney Docket No. 34.421-02

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**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed July 22, 1998, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Office action mailed September 3, 1997. A Notice of Abandonment was mailed on April 28, 1998.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

This application is being forwarded to Technology Center 1600, Art Unit 1646.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.

A handwritten signature in cursive script, reading "Frances Hicks".

Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects